

17

#3

St. Onge Steward Johnston & Reens LLC

986 Bedford Street  
Stamford Connecticut 06905-5619  
(203) 324 6155 ☎  
(203) 327 1096 ☐  
www.ssjr.com

January 17, 2002

Ms. Sharene Willis  
Assistant Commissioner for Patents  
United States Patent & Trademark Office  
Office of Petitions  
Washington DC 20231  
BOX DAC

Attention: Ms. Sharene Willis

RE: US Application entitled *Polymeric Medium for the Retention of Reagent Species For Use in a Hand Held Device For teh Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample*, to DiCeasare et al.


Dear Ms. Willis:

This confirms our recent telephone conversation that you have searched for our recent petition for communication never received, and were not able to locate the petition, or above-referenced lost patent application.

Enclosed is a complete copy of our file. Please review this case, and proceed with evaluating the petition on the merits.

Should any fee be required in connection with the filing of this petition, as well as the filing of the enclosed patent application, please charge such fees to Deposit Account No. 19-4516 (St. Onge Steward Johnston & Reens).

Respectfully submitted,

  
Michael Krenicky, Reg. No. 45,411

Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Joseph L. DiCesare, <i>et al.</i>
Serial No. Pending	Filing Date: March 29, 2001
Title of Application	Polymeric medium for the Retention of Reagent Species for Use in a Hand-Held Device for the Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample
Group Art Unit	Examiner

Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

**Petition For Correspondence Never Received**

Applicant hereby petitions the Commissioner to receive the above-captioned Patent Application enclosed herewith as Exhibit A, and accord the Filing Date to March 29, 2001.

On March 29, 2001, the above-referenced patent application was mailed "express mail" to the United States Patent and Trademark Office. The file was apparently lost in the mail, or misplaced by the Office.

**Mailing Certificate:** I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Box DAC; Assistant Commissioner for Patents; Washington, DC 20231.

October 26, 2001

  
Michael Krenicky

In order to petition the Commissioner to accord a filing date as of the date of deposit with the USPS, where correspondence deposited as "Express Mail" is never received by the Office, 37 C.F.R §1.10(e) requires four elements, namely that the petition:

- (A) be filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
- (B) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing;
- (C) include a true copy of the originally deposited correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in" or other official notation entered by the USPS; and
- (D) include a statement, signed by the person who deposited the documents as "Express Mail" with the USPS, setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying the petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

With respect to each of these four elements, Applicant submits the following:

(1) This Petition was promptly filed after it was discovered that the Check # 042842 was never cashed by the USPTO. Upon further investigation we learned that no filing receipt was received, and no return post card was received. This Petition is being filed at the first opportunity after Applicant became aware of the "lost mail" in this case.

(2) The number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing. More specifically, the Express Mail

mailing label number is located on the front page of the Patent Application, as well as on the transmittal papers accompanying the Patent Application.

(3) Applicant respectfully submits a true copy of the originally deposited correspondence showing the number of the "Express Mail" mailing label thereon (Exhibit B), a copy of the "Express Mail" mailing label showing the "date-in" (Exhibit C), another official delivery record from the USPS (Exhibit D). No returned postcard is present since it was apparently lost in the packet of materials comprising the "lost mail". A copy of the lost unreturned post card is included (Exhibit E).

(4) Applicant respectfully submits a statement (Exhibit F), signed by the person who deposited the documents as "Express Mail" with the USPS, setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying the petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed.

For the above reasons, Applicant respectfully requests that the Commissioner receive the above-captioned Patent Application enclosed herewith, and accord a Filing Date of March 29, 2001.

Applicant has enclosed the petition fee of \$130.00 under 37 C.F.R. §1.17(i). If there is any fee deficiency or overpayment, please charge or credit Account No 19-4516.

Respectfully submitted,

25 October 2001

A handwritten signature in black ink, appearing to read "Michael Krenicky", written over a horizontal line.

Wesley W. Whitmyer, Registration No. 33,558

Michael Krenicky, Registration No. 45,411

Attorneys for Applicant

ST.ONGE STEWARD JOHNSTON & REENS LLC

986 Bedford Street

Stamford, CT 06905-5619

203 324-6155



Date: 10/16/2001

Fax Transmission To: MARYALICE GLASER  
Fax Number: 203-327-1096

Dear MARYALICE GLASER:

The following is in response to your 10/16/2001 request for delivery information on your Express Mail item number EL574209483US. The delivery record shows that this item was delivered on 03/30/2001 at 11:02 AM in WASHINGTON, DC 20231 to G BETHEA. There is no delivery signature on file for this item.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please take this receipt to your local Post Office or postal representative.

Sincerely,

United States Postal Service

F

042843

ST. ONGE STEWARD JOHNSTON  
& REENS LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905

Fleet Bank  
Stamford, Connecticut

51-57  
119

CHECK NO. 42843

\*\*SEVEN HUNDRED FIFTY AND 00/100 DOLLARS\*\*

DATE 03/29/01 AMOUNT \*\$750.00\*

PAY TO THE ORDER OF Commissioner of Patents & Trademarks  
Washington, D.C. 20231

*W. W. Stutts*

⑈042843⑈ ⑆01190057⑆ 0001 51059⑈

POST OFFICE  
TO ADDRESSEE



\*EL574209483US\*

EL574209483US

BLG ✓

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

Customer Copy  
Label 11-F July 1997

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 06905	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in 3/29	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Mo. Day Year 3 29 01	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Time in <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Int'l Alpha Country Code	COD Fee Insurance Fee
Weight 12 lbs. 0 oz.	Acceptance Clerk Initials	Total Postage & Fees \$ 76.00
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

CUSTOMER USE ONLY	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
METHOD OF PAYMENT: Express Mail Corporate Acct. No. X059759	WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

FROM: (PLEASE PRINT) ST ONGE STEWARD JOHNSTON & REENS 986 BEDFORD ST STAMFORD CT 06905-5621 #03141-P0349A DFC: LIG	TO: (PLEASE PRINT) ASSISTANT COMMISSIONER FOR PATENTS Box PATENT APPLICATION WASHINGTON, D.C. 20231
-----------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------

PRESS HARD. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.gov

Case No. 03141-P0349A WWW/MWK:ljb

Applicant: PerkinElmer Instruments LLC

SN:

Filed -S-

For: POLYMERIC MEDIUM FOR THE RETENTION OF REAGENT SPECIES FOR  
USE IN A HAND-HELD DEVICE FOR THE RELATIVELY RAPID DETECTION OF  
THE PRESENCE OF AN ANALYTE OF INTEREST IN A SAMPLE

Receipt is hereby acknowledged of Petition for Correspondence Never Received,  
Exhibits A-F, and check for \$130.00.

Mailed October 26, 2001

Assistant Commissioner  
for Trademarks





ST. ONGE STEWARD JOHNSTON  
& REENS LLC

986 BEDFORD STREET  
STAMFORD, CT 06905

Fleet Bank  
Stamford, Connecticut

51-57  
119

045760

CHECK NO.

45760

\*\*ONE HUNDRED THIRTY AND 00/100 DOLLARS\*\*

DATE

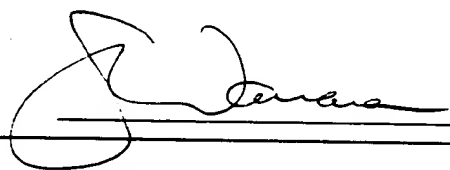
AMOUNT

10/26/01

\*\$130.00\*

PAY  
TO THE  
ORDER  
OF

Commissioner of Patents & Trademarks  
Washington, D.C. 20231



⑈045760⑈ ⑆011900571⑆ 0001 51059⑈

